

## Message Text

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TAGS: SHUM, ILO

SUBJECT: ILO PROCEDURES FOR DEALING WITH IMPLEMENTATION OF  
HUMAN RIGHTS STANDARDS

THERE IS REPEATED BELOW TEXT OF LETTER TO DEPUTY  
SECRE-ARY CHRISTOPHER FROM DIRECTOR GENERAL FRANCIS  
BLANCHARD, DATED AUGUST 21, 1978, IN RESPONSE TO  
MR. CHRISTOPHER'S LETTER OF MAY 6, 1978:

"DEAR MR. CHRISTOPHER,

I WAS VERY PLEASED AND INTERESTED TO RECEIVE YOUR LETTER OF  
6 MAY 1978 COMMENTING FURTHER ON YOUR SUGGESTION FOR A  
CLEARING HOUSE TO PROVIDE AN AUTHENTIC AND COMPLETE  
PICTURE OF THE STATE OF HUMAN RIGHTS IN THE WORLD. I  
APPRECIATED YOUR REMARKS CONCERNING THE VALUE OF ILO PRO-  
CEDURES FOR DEALING WITH THE IMPLEMENTATION OF HUMAN  
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RIGHTS STANDARDS. THE WORK DONE AGAIN THIS YEAR BY OUR  
COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS  
AND RECOMMENDATIONS, THE DISCUSSIONS ON THIS QUESTION AT  
THIS YEAR'S SESSION OF THE CONFERENCE AND THE VARIOUS  
CURRENT CASES OF RECOURSE TO THE ILO'S SPECIAL PROCEDURES  
ALL UNDERLINE OUR CONCERN FOR PROMOTING GREATER RESPECT

FOR HUMAN RIGHTS THROUGH IMPARTIAL AND OBJECTIVE EXAMINA-  
TION OF ISSUES OF FACT AND LAW.

YOU REFER TO THE NEED FOR THE EVALUATION OF THE HUMAN RIGHTS SITUATION TO BE BASED ON RELIABLE INFORMATION FROM A VARIETY OF SOURCES. THIS POINTS TO THREE ESSENTIAL REQUIREMENTS: THE AVAILABILITY OF INFORMATION, ITS RELIABILITY, AND THE VARIETY OF SOURCES. AS REGARDS RIGHTS IN THE AREA OF COMPETENCE OF THE ILO, THESE REQUIREMENTS ARE ALREADY BEING MET TO QUITE A CONSIDERABLE EXTENT. OUR SUPERVISION PROCEDURES, BOTH THOSE INVOLVING THE REGULAR EXAMINATION OF THE APPLICATION OF CONVENTIONS AND SPECIAL PROCEDURES SUCH AS THOSE ESTABLISHED FOR EXAMINING COMPLAINTS OF VIOLATION OF TRADE UNION RIGHTS, ENABLE US TO OBTAIN A LARGE VOLUME OF INFORMATION. THE MAIN HUMAN RIGHTS CONVENTIONS (THOSE DEALING WITH TRADE UNION RIGHTS, DISCRIMINATION IN EMPLOYMENT AND FORCED LABOUR) HAVE BEEN RATIFIED BY THE GREAT MAJORITY OF THE ORGANISATION'S MEMBERSHIP, WITH THE RESULT THAT REPORTS ON THEIR APPLICATION ARE CALLED FOR AND SUBJECTED TO CRITICAL REVIEW AT YEARLY OR TWO-YEARLY INTERVALS. OUR INVOLVEMENT IN THE IMPLEMENTATION OF THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IS PROVIDING AN ADDITIONAL MEANS OF INFORMATION AND ANALYSIS (AND, IF THE VALUE OF COLLABORATION WITHIN THE UN SYSTEM IS DULY RECOGNISED, WE SHOULD ALSO HAVE A ROLE TO PLAY IN REGARD UNCLASSIFIED

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TO CERTAIN PROVISIONS OF THE COVENANT ON CIVIL AND POLITICAL RIGHTS). APART FROM INFORMATION FURNISHED DIRECTLY BY GOVERNMENTS, WE CAN RELY ON DATA FROM VARIOUS OTHER SOURCES, SUCH AS LEGISLATION, COURT DECISIONS, STATISTICS, INFORMATION GATHERED IN THE COURSE OF TECHNICAL CO-OPERATION PROJECTS, AND INFORMATION RECEIVED FROM EMPLOYERS' OR WORKERS' ORGANISATIONS. ALTHOUGH THIS INFORMATION IS NOT EXHAUSTIVE AND NOT OF EQUAL RANGE AND RELIABILITY IN ALL CASES, IT REMAINS THAT A VERY CONSIDERABLE MASS OF INFORMATION HAS BEEN SECURED. THE PUBLICATION OF SOCIAL LEGISLATION IN THE ILO LEGISLATIVE SERIES AT PRESENT SERIOUSLY CURTAILED BECAUSE OF FINANCIAL STRINGENCY - AS WELL AS PUBLICATIONS SUCH AS THE LABOUR AND SOCIAL BULLETIN HAVE BEEN AMONG THE MEANS USED BY THE OFFICE TO DISSEMINATE INFORMATION ON DEVELOPMENTS IN ITS AREA OF COMPETENCE. IT NEEDS TO BE RECOGNISED, HOWEVER, THAT THERE IS AVAILABLE NO SYSTEMATIC PRESENTATION OF DATA (BY COUNTRY OR SUBJECT), EXCEPT THROUGH THE GENERAL SURVEYS MADE BY THE COMMITTEE OF EXPERTS EACH YEAR OF THE IMPLEMENTATION OF STANDARDS IN A GIVEN FIELD OR ON THE OCCASION OF COMPREHENSIVE INVESTIGATION OF CERTAIN SITUATIONS THROUGH OUR COMPLAINTS PROCEDURES.

IF IT WERE DESIRED TO HAVE AVAILABLE AT ALL TIMES SYSTEMATIC INFORMATION ON THE VARIOUS ASPECTS OF HUMAN RIGHTS WHICH ARE OF CONCERN TO THE ILO, CONSIDERABLE ADDITIONAL RESOURCES WOULD BE REQUIRED. HOWEVER, ONE SHOULD NOT

UNDERESTIMATE THE MAGNITUDE OF THE MATERIAL ALREADY AVAILABLE. IT IS ALSO APPROPRIATE TO BEAR IN MIND THE USEFUL INFORMATION FREQUENTLY AVAILABLE FROM NON-GOVERNMENTAL ORGANISATIONS, SUCH AS AMNESTY, AS IN SOME OF THE IMPORTANT CASES CURRENTLY UNDER EXAMINATION.

THE ABOVE REMARKS CONCERN THE HUMAN RIGHTS ASPECTS WHICH FALL WITHIN THE SCOPE OF THE ILO'S ACTIVITIES. IF - AS IS NORMAL - ONE SOUGHT TO EXTEND THE CLEARING HOUSE IDEA TO UNCLASSIFIED

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ALL HUMAN RIGHTS, IT WOULD BE NECESSARY TO CONSIDER THE ROLE TO BE PLAYED BY THE UNITED NATIONS, AND MORE PARTICULARLY ITS HUMAN RIGHTS DIVISION. THIS RAISES, ON THE ONE HAND, THE QUESTION OF THE ADEQUACY OF THEIR DOCUMENTATION, WHICH UP TO NOW APPEARS TO HAVE BEEN RATHER MORE LIMITED THAN THAT WHICH WE HAVE BEEN ABLE TO PUT TOGETHER IN MATTERS OF INTEREST TO THE ILO. IT ALSO RAISES THE QUESTION OF THE ADEQUACY OF RESOURCES AND WHETHER THE FUNCTIONS ENVISAGED COULD BE UNDERTAKEN WITHIN THE UN WITH THE FUNCTIONS ENVISAGED COULD BE UNDERTAKEN WITHIN THE UN WITH THE REQUISITE DEGREE OF INDEPENDENCE, HAVING REGARD TO THE POLITICAL FACTORS WHICH AFFECT THE WORK OF BODIES SUCH AS THE HUMAN RIGHTS COMMISSION. AN IMPORTANT TEST, IN THIS CONNECTION, WILL BE THE MANNER IN WHICH THE SUPERVISORY ARRANGEMENTS IN RELATION TO THE COVENANTS DEVELOP, A MATTER TO WHICH THE US REPRESENTATIVES WILL NO DOUBT WISH TO GIVE THE CLOSEST ATTENTION.

IT NEEDS ALSO TO BE BORNE IN MIND THAT IN SOME RESPECTS THE SOURCES OF INFORMATION ON WHICH THE UN CAN DRAW ARE MORE LIMITED THAN IN THE CASE OF THE ILO, PARTICULARLY AS REGARDS INFORMATION AND COMMENTS FROM EMPLOYERS' AND WORKERS' ORGANISATIONS. USE COULD OF COURSE BE MADE OF INFORMATION FROM OTHER NON-GOVERNMENTAL ORGANISATIONS, SOME OF WHICH (SUCH AS THE INTERNATIONAL COMMISSION OF JURISTS, AMNESTY INTERNATIONAL AND THE ANTI-SLAVERY SOCIETY) HAVE AN IMPRESSIVE RECORD IN THE HUMAN RIGHTS FIELD. ALTHOUGH THEIR WORK IS USEFUL, THEIR AUTHORITY AND OBJECTIVITY IS NOT ACCEPTED BY ALL COUNTRIES.

COULD ONE FIND MORE INDEPENDENT RESEARCH BODIES AS SOURCES OF INFORMATION? ONE POSSIBILITY MIGHT BE TO DEVELOP A HUMAN RIGHTS PROGRAMME AS PART OF THE WORK OF THE UNITED UNCLASSIFIED

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NATIONS UNIVERSITY. UP TO NOW, UNFORTUNATELY, AS FAR AS WE CAN JUDGE (FOR WE HAVE BEEN LITTLE ASSOCIATED IN ITS DEVELOPMENT), THIS UNIVERSITY HAS NOT SHOWN PARTICULAR

INTEREST IN HUMAN RIGHTS, BUT HAS CONCENTRATED ON MORE TECHNICAL AND LESS CONTROVERSIAL QUESTIONS.

THE INTERNATIONAL INSTITUTE OF HUMAN RIGHTS ESTABLISHED BY THE LATE RENE CASSIN MIGHT HAVE A USEFUL CONTRIBUTION TO MAKE.

THE FOREGOING REPRESENTS VARIOUS IDEAS AND SUGGESTIONS, RATHER THAN A SYSTEMATIC AND COMPREHENSIVE PROGRAMME. IT MAY BE DIFFICULT AT THIS STAGE TO FORMULATE A BLUE-PRINT OF THE LATTER KIND. I HAVE PREFERRED TO THROW OUT SOME THOUGHTS WHICH MAY CONTRIBUTE TO CONTINUING REFLECTION AND TO THE SHAPING OF ANY INITIATIVES WHICH YOUR GOVERNMENT MAY FEEL IT APPROPRIATE TO PURSUE.

YOURS SINCERELY,  
FRANCIS BLANCHARD  
DIRECTOR-GENERAL."

"DEAR MR. DIRECTOR-GENERAL:

THANK YOU VERY MUCH FOR YOUR LETTER OF APRIL 13 COMMENTING UPON MY FEBRUARY ADDRESS BEFORE THE AMERICAN BAR ASSOCIATION. I ESPECIALLY APPRECIATE YOUR INTEREST IN THE SUGGESTION WHICH I MADE IN THAT ADDRESS FOR AN OBJECTIVE, WIDELY RESPECTED CLEARING HOUSE FOR HUMAN RIGHTS INFORMATION ON ALL COUNTRIES OF THE WORLD.

I HAVE BEEN AWARE OF THE UNIQUE ROLE PLAYED BY THE INTERNATIONAL LABOR ORGANIZATION WITH RESPECT TO THOSE BASIC HUMAN RIGHTS WHICH LIE WITHIN THE COMPETENCE OF THE ILO. THE ILO MACHINERY IS WITHOUT A DOUBT THE MOST ADVANCED AT UNCLASSIFIED

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THE INTERNATIONAL ORGANIZATION LEVEL FOR DEALING EFFECTIVELY WITH THE IMPLEMENTATION OF HUMAN RIGHTS STANDARDS. UNFORTUNATELY, IT WAS THE REFUSAL ON POLITICAL GROUNDS OF THE ILO MEMBERSHIP TO ALLOW THIS MACHINERY TO FUNCTION IN THE MANNER IN WHICH IT WAS INTENDED THAT CONTRIBUTED TO THE SITUATION WHICH LED TO THE WITHDRAWAL OF THE UNITED STATES FROM THE ILO. WE HAVE BEEN WATCHING CLOSELY THE DEVELOPMENT OF PROCEDURES FOR IMPLEMENTING THE UNITED NATIONS COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS WHICH, AS YOU NOTE, WILL DEPEND HEAVILY UPON THE CONTRIBUTIONS YOUR ORGANIZATION AND OTHER SPECIALIZED AGENCIES MIGHT MAKE TO THE FULFILLMENT OF THE RESPONSIBILITIES OF THE ECONOMIC AND SOCIAL COUNCIL.

I CAN ASSURE YOU THAT IN SPITE OF THE WITHDRAWAL FROM MEMBERSHIP IN THE INTERNATIONAL LABOR ORGANIZATION, THE UNITED STATES GOVERNMENT WILL CONTINUE TO FOLLOW WITH

SPECIAL INTEREST THE DEVELOPMENTS IN THE ILO'S WORK IN THE INTERNATIONAL PROMOTION OF HUMAN RIGHTS. A KEY ELEMENT IN OUR COMMITMENT TO HUMAN RIGHTS IS OUR STRONG SUPPORT FOR THE EFFORTS OF THE UNITED NATIONS AND ITS RELATED AGENCIES IN THIS MOST IMPORTANT FIELD.

SHOULD YOU HAVE ANY THOUGHTS ON THE MANNER IN WHICH THE CLEARING HOUSE FOR HUMAN RIGHTS INFORMATION ON ALL COUNTRIES OF THE WORLD MIGHT BE ESTABLISHED I WOULD APPRECIATE YOUR TAKING THE TIME TO SHARE THEM WITH ME. AN AUTHENTIC AND COMPLETE HUMAN RIGHTS PICTURE OF INDIVIDUAL COUNTRIES MUST BE BASED ON RELIABLE INFORMATION FROM A VARIETY OF SOURCES. IT SEEMS TO ME THAT THE ILO COULD SERVE AS A VITAL SOURCE OF INFORMATION ON THOSE BASIC HUMAN RIGHTS FALLING WITHIN ITS FIELD OF RES-  
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PONSIBILITY.

AGAIN, MY THANKS FOR YOUR KIND AND THOUGHTFUL LETTER AND MY BEST WISHES FOR SUCCESS IN THE IMPORTANT WORK YOU ARE DOING IN THE ILO.

SINCERELY

WARREN CHRISTOPHER CHRISTOPHER

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## Message Attributes

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